

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL TO THE BOARD OF APPEALS**

In re: Application of:

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Examiner: Dwin M. Craig

Serial No.: 10/064,542

Group Art Unit: 2123

Filed: July 25, 2002

For: SYSTEM AND METHOD OF
MODEL BASED CONTROL

**APPELLANTS' REVISED
BRIEF ON APPEAL**

Board of Patents Appeals and Interferences,
United States Patent and Trademark Office,
PO Box 1450,
Alexandria, Virginia 22313-1450

Dear Sir:

This paper is responsive to the Notification of Non-Compliance mailed April 6, 2007, the time for response thereto expiring on May 6, 2007, and is submitted in compliance with 37 C.F.R. § 41.37. This is a Revised Brief on behalf of the Appellants in the above-captioned appeal from the final rejection of claims 31 to 49. No claims have been allowed in the present application.

ORAL HEARING

No oral hearing on the issues in this appeal has been requested.

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37 C.F.R. § 41.37(c)(i) Real Party in Interest

The real party in interest in this Application is the United States of America. The present application is assigned of record to the United States of America, as represented by the Secretary of the Army.

37 C.F.R. § 41.37(c)(ii) Related Appeals and Interferences

None.

37 C.F.R. 41.37(c)(iii) Status of Claims

The claims are 31 to 49. Claims 31 to 40 and 45 to 49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent 6,263,255 to Tan and Vines. In addition, Claims 41 to 44 stand rejected under 35 U.S.C. § 103(a) as being anticipated (sic) by United States Patent 6,263,255 to Tan and Vines in view of United States Patent 6,726,764 to Mutti and Voronknov. This Appeal is taken from the rejection of all claims.

37 C.F.R. § 41.37(c)(iv) Status of Amendments

There are no unentered amendments.

37 C.F.R. § 41.37(c)(v) Summary of The Claimed Invention

(a) Summary

The present invention is directed to a model based controller system comprising:

a development environment comprising at least one recipe for a process, each said process defined by a plurality of models, with each said model corresponding to at least one process step within said recipe;

an execution environment in operative communication with said development environment, and which execution environment comprises an execution platform capable of executing a recipe from said development environment;

a coordination environment in operative communication with said execution environment and, through said execution environment, with said development environment, and which coordination environment coordinates information flow from said execution environment, and through said execution environment, said development environment and said model;

a control level in operative communication with said coordination environment and, through said coordination environment, with said execution environment and said development environment, and in operative communication with at least one controller which is capable of controlling at least one component in the execution of at least one process step as defined by said model and communicated by said coordination environment;

and wherein, said controller sends a control command corresponding to a process step defined by said model communicated to said controller from said model within said development environment through said execution environment and through said coordination environment, to said component, and said component sends a component information element to said controller, which

component information element is communicated through said coordination environment to said execution environment in which the performance of said process step may be varied in accordance with said component information element.

(b) Background

In current industrial, manufacturing, and data processing environments, process control is often necessary in order to ensure proper operation of a process. Process control may require the performance of a series of steps, such as in a particular order or at a particular time, in order to maintain a process within given tolerance levels, thereby ensuring process repeatability. Often, the result of a process is highly dependant on predefined tolerances subject to process control.

To this end, process controllers are often implemented in order to maintain processes within given tolerance levels. In a typical embodiment, a system is designed around controlling of hardware or software that directly controls a process. For example, control may be constructed around the programming of a physical component to perform step A at set point X, step B at set point Y and step C at set point Z. In such an embodiment, an error in the process that causes the non-occurrence of, for example, process variable 1 not reaching set point X, may cause the non-occurrence of, for example, step A, until the process controller is reprogrammed to look for an alternative set point in order correct the problem.

Such programming for error control may typically be performed by a process engineer, which process engineer must be familiar with the particular programming language of the control unit at issue, and must further be aware of where the error problem has arisen within the code of that controller. The process engineer may then model a correction patch, and must then generate program code, in the correct language of the control unit at issue, for entry into the control unit by hard coding, in order to correct the error problem. In this scenario a model is a mathematical algorithm that results in the suggestion of a corrected path based on inputs of the current process state. Thus, a process engineer must generate a model for correcting the error, must turn that model into the proper coding language, and must enter that coding language directly into the controller. Such a methodology of error correction requires extensive training for process engineers, and requires a great deal of human interaction and training in order to maintain processes within given tolerances.

Thus, the need exists for a controller environment in which a model may be developed, and universally coordinated with a controller, without a requirement for extensive training or interaction from a process engineer. Such a system may preferably provide for the development of a computerized model, wherein the computerized model, via a coordination interface, may intelligently select when control is necessary, and may interface with a controller operating in any controller language upon sensing that the model operation is necessary.

(c) The Invention

It is to be understood that the figures and descriptions of the present invention have been simplified to illustrate elements that are relevant for a clear understanding of the present invention, while eliminating, for purposes of clarity, many other elements found in a typical control system and method. Those of ordinary skill in the art will recognize that other elements are desirable and/or required in order to implement the present invention. However, because such elements are well known in the art, and because they do not facilitate a better understanding of the present invention, a discussion of such elements is not provided herein.

Figure 1 is a block diagram illustrating a model based controller ("MBC") system 10 in accordance with the present invention. The MBC system (10) may provide a coordination environment 12 that coordinates information flow, such as data flow, between at least one model 13 and at least one controller 16, which controller 16 may control at least one additional component 18. The MBC (10) may include a plurality of environments, such as an execution environment 14 and a development environment 20, and thus may include an application integrated development environment ("IDE" or "AIDE") (21) within the development environment (20), and at least one execution platform (15) within the execution environment. Within, or associated with, the IDE 21, the MBC 10 may additionally include a framework 22, a runtime platform 24, a recipe generation and/or edit platform 26, and at least one server 28, such as a coordination environment server. The at least one

server 28, or server programs associated with the server, may be platform and/or operating system independent, such as OPC, DCOM, or XML. The development environment (20) and execution environment 14 may additionally include other facilities to control simulated or hardware components for, for example, real time control.

The coordination environment 12 may be, for example, a server, or software thereon, such as an interface, that coordinates the data flow between the at least one model 13 and the at least one controller 16. The coordination environment 12 receives and processes commands from the model 13 to control the controller 16, and receives and processes information received from the controller 16 for placement into the model 13, thereby allowing the model 13 to monitor and control a process via the coordination environment 12.

Figure 1A is a graphical illustration of a coordination environment 12 in accordance with the MBC system 10 of Figure 1. The coordination environment 12 may coordinate at least one of a plurality of models such as 13 with at least one of a plurality of available controllers such as 16, as set forth hereinabove, such as over a network 100, and such as by the at least one server 28. For example, the at least one model 13 may be one of a plurality of models within a recipe, and the at least one controller 16 may be one of, for example, a plurality of programmable logic controllers each having alarms and/or controls associated therewith, or one of a plurality of input-output (I/O) ports within, or associated with, a programmable logic controller, for

example. The at least model 13 may be remote from at least one of the coordination environment 12 and the control level 16, and each element of the MBC 10, namely at least the model 13, coordination environment 12, and the control level 16, may exist in hardware or computer programming, such as on the at least one server 28, with the at least one server 28 capable of remote communications, such as over a network, such as the internet. Thus, the ability of the MBC 10 to control a process, or to engage in logic, may be a function of the data rate capabilities of the network, servers, and the like, associated with the MBC 10.

Returning now to Figure 1, the development environment 20, such as the IDE 21, may allow for the development or review of a pre-existent recipe or a recipe generated from, for example, the recipe generation platform 26, for execution on the execution platform. Thus, the development environment 20 may allow for attachment directly to a running controller 16, or over a network to a running controller 16, for review and editing of the pre-existent recipe on that running controller 16, or may allow for creation of a new recipe to run the at least one controller 16. The development environment 20 preferably treats a controller 16 as an object for control by at least one model 13, thereby eliminating the need to hard code selected set points into the controller 16 itself. In this manner the development environment 20 can use the model 13 to vary the controller 16 as an object, and after the desired set points. The relation of the model 13 to the controller 16 as an object makes obvious to a user, such as a process engineer, the coordination between the controller 16 and the model 13, unlike the hard coding relationship of the prior art.

The IDE 21 may allow for extensions, via a component object model such as a (COM) or a XNL Services, for example, to enable the control of numerous different components via the same, or an associated, MBC 10. The development environment 20 may, for example, present a plurality of selectable components or preexistent models, as discussed further hereinbelow, which may, for example, be dragged and dropped into a developing recipe project. The development environment 20 may include, for example, programming in Visual Basic, Visual C++ such as a (COM) or a XNL Services and/or Microsoft Windows 2000 Professional.

The development environment 20 may additionally include, such as within or associated with the IDE 21, a recipe edit platform 26 of the IDE 21, which may allow the viewing and editing of at least one running recipe, or of at least one recipe project created within the IDE 21. The recipe edit platform 26 may allow, for example, the entry of multiple recipe steps, the reordering of steps, pre and post step work, looping and branching control, timing controls, and the like. The recipe edit platform may allow for drag and drop, right click menus, pop up menus, or menus displayable by activation of, for example, functional keyboard keys, which menus may include help instructions to perform functions within a recipe, editing or monitoring of time for a loop within the recipe or for a step within the recipe, and/or tabbed views, such as a recipe tree, a recipe sheet, and/or a recipe code window, for example. Each step within the recipe may be accessible within a window for editing of each recipe step, as illustrated in the exemplary screen shots of Figure 2.

Returning now to Figure 1, the development environment 20 may further include, for example, a component browser 32. The component browser 32, as illustrated in the exemplary screen shots of Figure 3, may display the components that have been, or may be, selected for a current recipe project in development. The component browser 32 may allow for selection of components, or operational methods for components, for use in recipe steps, and/or for selection of components or component properties for display within certain windows. These display windows may include a watch window for watching an ongoing or active recipe, which watch window may illustrate, for example, true or false real time status of at least one selected recipe step condition, or a data collection window for watching active data accumulation, which data collection window may provide a capability to save data, such as a non-overwriteable date/time stamped save. The component browser 32 may provide a tree representation of components, for example, and may additionally provide the methods and/or properties of the components, including, for example, the component parameters, data types and/or property data types, of the displayed or selected components.

The development environment 20, and/or the execution environment 14 may share a simulator, wherein the simulator may include the operational methods of a plurality of hardware elements. A recipe may be developed using the available simulated hardware components, which simulated components, upon execution of the recipe, will provide feedback that simulates the actual hardware that provides the basis

for the simulated hardware. The behavior of the simulated components may be experimentally defined, such as by monitoring of actual hardware and saving performance data to simulator files. These simulator files may then be accessible to, or downloaded to, the MBC 10 as selectable components.

Figure 3 is an exemplary screen shot illustrating component selection available within the component browser 32. Components may be selectable, for example, using point and click methodologies, treed methodologies, file menu methodologies, or may be imported via, for example, drag and drop and/or right click methodologies. The component selection module within the component browser 32 may allow for selection of components recognized by, and/or registered with, the operating system or the MBC as MBC components, and may allow for component selection for recipe projects. In the treed format illustrated in Figure 4, component libraries, and components included therein, may be selectable from the tree. Component selection may be used during recipe creation, or when adding components to an existing recipe.

The framework 22 may provide the functionality within the environments of the MBC 10, such as the development environment 20 and the execution environment 14. For example, the framework 22 may provide Open/Close/Save for recipe projects, or recipe files, within a recipe; the addition, or undo, of at least one component to a recipe; drag and drop, and/or cut and paste, from window to window within the MBC, and/or to or from exterior applications via, for

example, importation to the MBC 10; execution command for running at least one recipe; debug of components or at least one recipe; Open/Close for windows such as recipe watch, data collection, recipe viewer, etc.; and support, such as at least one help menu. In order to provide these functions, the framework 22 may include system menus, system help, IDE window coordination, and/or toolbars, as will be apparent to those skilled in the art. Further, as used herein, toolbar, single arrow, double arrow, file menu, drop down menu, hyperlink, tab menu, or treed menu, for example, may be used interchangeably unless otherwise noted, and are provided by the framework 22. In an exemplary embodiment of a window provided in the framework 22, Figure 4 is a screen shot illustrating primary interfaces for a recipe development session, such as within the development environment 20.

Each recipe developed and/or executed in the present invention may implement at least one model 13, as discussed hereinabove. Each recipe that includes the at least one model 13 may monitor at least one method, process, or data flow, for example, wherein each model 13 within the recipe may control and/or monitor at least one aspect of the method, process, or data flow, for example. For example, a recipe may be generated to control the growth of a given crystal. Each model within the recipe may then monitor and/or control a particular aspect of the growth of the crystal.

In this exemplary embodiment, the crystal may grow over time, preferably within a given tolerance for growth rate, which tolerance is monitored and

controlled with improved consistency through the use of the present invention. For example, as illustrated in Figure 5, a recipe A including twelve models that control the growth of the crystals, which recipe A may, at predetermined times, and/or at predetermined intervals, call models B and C, wherein models B and C may monitor particular aspects of the given crystal growth within the process controlled by master recipe A. Thus, for example, if model A monitors that the crystal growth is occurring too quickly, recipe A may run model F, wherein model F may provide process temperature change suggestions in order to bring crystal growth back within tolerance levels. However, for example, if recipe A monitors that crystal growth is occurring too slowly, recipe A may run model G, wherein model G may suggest the input of a particular gas in order to stimulate growth of the crystal, and wherein model G may call model F to suggest temperature changes to stimulate crystal growth. Additionally, as will be apparent to those skilled in the art, recipe A may then call model D, model E, and model J, each individually, in sequence, or all simultaneously, such through the use of object oriented programming. Thereby, the recipe may provide real time process control over the growth of the crystal, and tolerance levels may be maintained more consistent throughout repetitions of the process through the use of the same coordination environment.

Thus, the recipe may operate heuristically in order to maintain the process at predetermined tolerances. For example, although a given model may include that process occurrence X occurs at motor speed 30 RPM, the model may be alerted by the control that X has occurred at motor speed 22 RPM, and may vary the

process accordingly pursuant to an understanding that occurrence X is the goal, rather than the assertion that condition motor speed 30 RPM would accomplish X. Further, those skilled in the art will appreciate that, in accordance with this methodology, steps within a first recipe or first model may be responsive to, or dependent on, steps within a second recipe or second model, wherein the first recipe or model is in communicative connection with the second recipe or model via the MBC coordination environment.

Each model within the recipe may pass information through the coordination environment to an I/O port, or to a programmable logic controller. Further, as set forth hereinabove, a plurality of models may be coordinated with a plurality of controllers via the coordination environment. Each I/O port, or each controller, may then be responsible for controlling a particular aspect of a process, such as the crystal growth environment discussed hereinabove. In prior art embodiments, different models or types of I/O port, or different types or models of controllers, such as programmable logic controllers, may have been substantially unable to directly interface with one another in order to provide uniform and overall process control across the different models or types. This inability to interface often occurs in the prior art due to the use of different brands, or types, of controllers, which may, for example, employ different interface capabilities or computer programming language capabilities, and this inability to interface is remedied, in part, through the use of the present invention.

Thus, the coordination environment of the present invention allows for multiple controllers, each of which may operate in accordance with a different operating environment, which different operating environments may be remote from the coordination environment 12 and/or the model environment, to operate in unison in accordance with at least one model 13 or recipe communicating through the coordination environment 12. Additionally, the present invention allows for the replacement of equipment, or controllers, within the controller environment communicating through the coordination environment 12. For example, two models programmed with the tolerances, and technical aspects, of each of the old and the new equipment, respectively, may be adjusted accordingly for the incorporation of the new equipment without substantial variation to the recipe. This switching between models within the recipe may be engaged, for example, by the process engineer, upon installation of new equipment, without any substantial reprogramming by the process engineer. Thus, the process engineer need not know the nuances of the model or models run within the recipe, but rather need only know the equipment or controllers available in the controller environment communicating through the coordination environment, and need only instruct the coordination environment 12 as to the presence of particular equipment or controllers in communication with the coordination environment 12.

Returning now to Figure 1, the execution environment 14 may include, for example, the ability to monitor the running of a recipe in run-time, and/or to interactively monitor component property values during execution, and/or the ability to

monitor and/or collect data during run-time. For example, Figure 6 is a screen shot within the execution environment 14 illustrating a viewer for viewing the run-time of a recipe. In the exemplary embodiment illustrated, material viewable from within the recipe run-time viewer may be included, and/or presented, within a COM library, such as a library denoted "recipe interface". The run-time viewer may be a stand alone application, for example, or may additionally be integrated with, or within, the IDE 21.

In this exemplary embodiment of an execution environment, the viewing of run-time component property values may be enabled through the use of a watch window, such as that illustrated in the screen shot of Figure 7. The watch window may be, for example, a dockable or floating window that enables a user to monitor component property values, such as during run-time or debugging. The watch window may additionally include a plurality of tabbed views, wherein varied watch configurations may be made available by clicking on selected ones of the tabs. As used herein, one skilled in the art will appreciate that tabs may include, for example, selectable drop-down menus, point and click menus, hyperlink menus, and the like.

Additionally, in this exemplary embodiment, a data collection window may be included in the execution environment, such as that illustrated in the screen shot of Figure 8. The data collection window may be a dockable or floating window that enables the monitoring and/or storing of component property values during recipe execution. The data collection window may include, for example, tabbed views similar to those discussed hereinabove with respect to the watch window. The data collection

window may, for example, collect data and allow for display of that data to a user at a predetermined minimum rate commensurate with the change rate of the data of interest, such as, for example, at least once ever two seconds. Data collection capabilities accessible via a data collection window during run-time may include, for example, file compression, storage to at least one file types, such as, for example, to a spreadsheet or .CSV file, and the data collection window may include a configurable storage directory.

Further, preferably within the watch window, the data collection window, or a storable file, applicable programming code for the recipe run may be made available and/or recordable, such as for review of the recipe run by an MBC user. For example, a run file may be created for the running of a particular recipe, which run file may be saved, for example, to the desktop. This methodology of file saving may allow, in an exemplary process, tracking of the time of occurrences in the recipe run at the shortest time frame provided by the computer operating system on which the run code is generated.

Each of the development environment and the execution environment preferably allows for the configuration and/or monitoring of the components, and/or libraries of components, employed in the recipes of the present invention. Figure 9 is a block diagram illustrating an MBC component. An MBC component is any software or hardware item that provides, or allows connection to, an open interface, such as COM or XML Services, that self-registers, or that can be registered, with, for example,

a Windows operating system environment, such that the IDE can locate the component during recipe development, and such that the execution environment can locate the component during execution. Further, the components of the present invention preferably implement at least one component interface. Figure 10 is a chart illustrating a list of exemplary components, which may be available, for example, via an MBC component library.

Open Interface, such as COM or XML Service, as used herein, allows applications and systems to be built from components supplied by different hardware and/or software vendors. COM or XML Services may be an architecture employed to form foundations for higher level software services. Higher level software services may span varied aspects of component software, such as compound documentation, custom control, inner application scripting, data transfer, and the like. COM or XML Services is an architecture that defines a binary standard for component interoperability, is programming language independent, may be provided on multiple platforms, provides a robust environment for evolution of component based application and systems, and is extensible, as will be apparent to those skilled in the art. In addition, COM and XML Services may allow for communication between components, such as across process or network boundaries, shared memory management as between a plurality of components, error and status reporting for components, and the dynamic loading of components.

Returning now to Figure 9, an MBC component is a building block within the MBC system. An MBC component is present within the IDE in order to allow for the creation of recipes, for example, and an MBC component is executed within the recipe upon execution in the execution environment, as discussed hereinabove. An MBC component may exist, for example, as a COM object within a COM library, or as a stand alone XML Service, as set forth hereinabove. A component library may be, for example, a collection of classes that have implemented at least one open interface. It will be apparent to those skilled in the art that an MBC component may be implemented by an interface, such as by a secondary class interface separate from a first component interface, which secondary interface may allow the IDE 21, and/or a component configuration utility within, or in association with the IDE 21, to properly address MBC components in a uniform fashion. For example, Figure 11 is a block diagram illustrating the addressing relationship between an MBC component and other MBC system elements.

In accordance with Figure 11, an MBC component may register, or be registered, with the operating system registry, such as a Windows registry, such as through the use of a registration wizard, which registration wizard may respond either automatically within the MBC, or to a user request for component registration. For example, upon implementation of the IDE 21 or execution environment 14 or configurations, a search may be performed for components in the operating system registry, and that search may allow for the building of at least one MBC component library of registered components. The component list may then be made available to

the recipe developer within both the IDE 21 and the execution configurations. Upon selection of a set of component libraries, the MBC components may be interrogated, via, for example, the COM or XML Service interfaces respectively, to assess the method, properties, and configuration of each MBC component. Within the IDE 21, the MBC components may be presented as a selectable list of available libraries, such as for different tasks, recipes, or model types, wherein each library may contain the methods, properties, and configurations then used to create recipes.

In addition, it will be apparent to those skilled in the art that new communication elements or types, unknown by the registration wizard, may be programmed into the registration wizard. For example, in an embodiment wherein a particular device communicates serially, such as directly with a PC, the registration wizard may be programmed to read a computer serial port in order to receive data from, and thereby allow for registration of, that serial device. This addition of new device types may include a hard coding of new device types, a file download of new device types, or a creation of new objects within an object-oriented environment for new device types, for example. It will be further apparent that, in an embodiment wherein, for example, a programmable logic controller (PLC) is capable of direct communication with the new device, such as the new serial device, and wherein the PLC is already registered as a component, the new device need not be registered as a component, but rather may be controlled by the MBC by exertion of control over the PLC to which the new device is communicatively connected.

In an exemplary embodiment of registration, selectable components may include hardware components, such as programmable logic controllers (PLCs), in certain embodiments of the present invention. These components that are controllable and registerable with the MBC 10 may be automatically added to a list of eligible components upon communicative connection to the MBC, or upon a search for eligible components as described hereinabove, such as by an automated sensing of the communicative connection, a reading of the tags from a PLC upon the automated sensing, wherein the tags include information pertaining to communication protocols for the PLC. Upon the reading of tags and initiation of a COM object, the PLC may be registered and made available for recipe projects. The ability to automatically communicate with numerous controllers of different makes, models, or communication types provides interoperability across controller platforms in the present invention. Further, it will be apparent to one skilled in the art that this methodology may be extended, for example, to different kinds of hardware, such as sensors, valves, actuators, motors, and the like, inter-communicating with each other and one or multiple controllers, via the use of the component registration of the present invention.

An MBC component may be formed and formatted using, for example, visual basic. Figure 12 is a flow diagram illustrating the development of an MBC component, wherein the steps of the development may include creation of an abstraction for the component, the creation of a COM or XML Service interface for the component, the implementation of the secondary interface for the component, the

registration of the component with the operating system, and the integration and testing of the component.

The first step of the development of the MBC component may be the development of an abstraction component. Upon completion of the development of the abstraction, a COM or XML Service interface may be created for the component. A COM or XML Service interface may be created in, for example, visual basic as, for example, an ACTIVEX DLL or EXE file. Project settings may determine the name of the component library, and the classes of the library may determine the components allowable therein. Thus, using visual basic, in order to create an MBC component and library, an ACTIVEX DLL or EXE file may be created for the project, and one or more classes may be added to the project. The name of each class may determine the name of the component, as will be apparent to those skilled in the art. Subsequently, methods and properties may be added to each class in order to implement the abstraction of the component developed hereinabove. References may be added for the MBC library and type libraries, and a DLL or EXE may be built.

The implementation of the secondary interface discussed hereinabove allows the MBC system applications, including the IDE 21 and the component configuration utility, to treat MBC components in a uniform way, as set forth hereinabove. The secondary interface methodologies and properties may not be visible from within recipes, such as during recipe development.

A UML diagram for an exemplary secondary interface is illustrated in Figure 13. With respect to Figure 13, a variable component name is a fully qualified name for the component, and includes the library of the component. The "I/O point list" may be a collection of I/O point objects, for example. "State" may be an integer value that represents the internal state of the MBC component. "State name" may be the string representation of the state of a given variable. "Save configuration" may be used to save a component's configuration, which may include the name of the component and the I/O point list of the component. "Load config" may be used to load a component's configuration. "Validate command" may be used to check the set point for an I/O point value against the I/O point valid range of values. "Initialize" may be used to initialize the component. "Reset" may be used to reset the component. An exemplary hardware point object list for an MBC component is illustrated in Figure 14.

Additionally, the MBC component and component library may be registered with the operating system, as set forth hereinabove. This may be done, as will be apparent to those skilled in the art, via a variety of methods, including the creation of a key for registration. The registration key for, for example, the IDE tool, may include the values for persisting the state of the IDE tool, such as user preference values, window size and location values, and file list values. Each component may create its own key value for registration. Upon a registration, or an attempted registration, the component and library may be tested.

The component library may be tested, for example, by testing that the component is a valid COM or XML Service object, has implemented the secondary interface, has a correctly implemented an abstraction, and operates correctly with the IDE. The component library may be tested using the MBC configuration utility. Further, in order to test the components and component library, the library registration may be checked. Figure 15 is a screen shot illustrating the testing of library registration. Wherein a component library is correctly registered with the MBC system, the component library or libraries may be displayed within the MBC component configuration.

In order to test that a component is a valid COM or XML Service object, a library may be selected that contains a component in question from the library list, as illustrated in the screen shot of Figure 16. Valid COM or XML Service objects may be displayed within the library, such as within the tree view of the library, as illustrated.

In order to test for the secondary component implementation, each object in a component library may be associated with a flag, wherein the flag is set to provide recognition that the secondary interface has, or has not, been implemented. In an embodiment wherein the secondary interface has not been implemented for the selected component or component library, a warning message may appear.

In order to test the component abstraction implementation, a subjective evaluation may be made, wherein the subjective evaluation may, for example, test the component within the IDE against, for example, a simulation, and may test the component again in, for example, the run-time environment. In order to test the component abstraction implementation in the IDE, the IDE may be started and a component library may be selected for checking of the component library methods and properties within IDE, as illustrated in the screen shot of Figure 17. The abstracted components may then be tested in a recipe, such as that illustrated in Figure 18. In order to assess the correct function of a component from within the execution environment, for example, a property of the component may be added to, for example, the watch window, as discussed hereinabove. If a component has been properly and successfully created, the property may display in the watch window as illustrated in Figure 19. If the component was improperly created or constructed, an error message may appear.

In operation, the MBC system may include a developed recipe. The recipe may be developed by entering the IDE, and opening an existing recipe project, or by creating a new one. The recipe may be developed by the addition of components, the creation of recipe steps and/or recipe models, the addition of components to the recipe or model steps, and the collection of set-up data. The recipe may then be debugged, such as through the use of watch windows, the display of recipe break points, a review of captured data from recipe execution, or by troubleshooting the logic of the recipe. Following debug, a recipe may be saved,

and/or deployed. The components for the recipe used may be developed using, for example, Visual Basic, Visual C++, Java, C# or Delphi, and the components developed are preferably registered with the operating system or MBC environment prior to use within a recipe.

Upon validation of the recipe, a process may be controlled, such as via a combination of a controller, and a model. The recipe may thus include the coordination between the controller and the model. The process may be dynamically controlled, or predictively controlled. With dynamic control, the recipe may set model input properties based upon process input data. The recipe may further call a model in order to calculate outputs based upon the model input properties, and may then update the model in accordance with output properties. The model outputs may then be used by the recipe to control the process. For predictive control, the recipe may initialize start-up parameters, and may call a model to produce predictive data for the running of the process. The recipe may then capture the model predictive data in, for example, a memory, such as a table. The recipe may then make calculations using the model predictive data, and may control the process in accordance with these calculations.

Thus, as set forth hereinabove, in order for the recipe to exercise predictive or dynamic control of a process, the recipe may be executed by the execution environment, such as by a recipe execution engine. Recipe execution may include the execution of the series or plurality of recipe steps, such as in the form of

models as discussed hereinabove, which recipe steps may include, for example, component methods, pre and/or post processing logic, branching or goto logic, move on conditions, loop indicators, loop times, and/or step times. The component methods may include at least one method call in accordance with a hardware component set point, in order to allow for control of that hardware component within predetermined tolerance levels. Preprocessing logic may be executed at the beginning of a recipe step. Post-processing logic may be executed at the completion of a recipe step. Preprocess and Post processing logic may redirect the recipe execution to a goto, or to branch to another recipe step. For example, preprocessing logic may compare a temperature reading and determine that a emergency flush of a container is appropriate. The preprocessing algorithm might, in this exemplary embodiment, call a Goto function with the name of the recipe step that executes the emergency flush. Preprocessing or postprocessing logic may also branch to a series of steps and return to the original step upon reaching a return recipe step, for example. Move on conditions may, for example, include Boolean expressions that are evaluated in order to determine whether the recipe can move to a subsequent recipe step. For example, an expression may be developed that will allow for the running of a particular model until a predetermined condition is met, and, upon the meeting of that condition, another recipe step, or a different model, may be allowed to run. In an exemplary embodiment employing control of a motor, the recipe may not be allowed to move to a next step until the controller tells the model that the motor has reached a speed preset within the move on step, such as a certain number of RPM. Loop indicator may include a Boolean expression that determines whether the recipe can execute the

component methods in a loop. Loop time may determine the execution frequency of a recipe step loop, and step time may determine the maximum duration of a recipe step.

Also, as set forth hereinabove, in order for a recipe to be executed in the execution environment, the recipe may be developed in the development environment, such as in the IDE. Figure 20 is a screen shot illustrating the opening of an IDE application. The IDE application may include a plurality, such as six, IDE components. The IDE components may include, for example, a recipe editor that creates, debugs, and/or prepares recipes to run, an MBC component browser to facilitate recipe creation, a watch window that allows for the viewing of recipe progress during debug, and a framework for inter-process communication and recipe development. An exemplary IDE layout is illustrated in the screen shot of Figure 21. Figure 21 illustrates a split layout, thereby providing increased user convenience. The exemplary split layout illustrated employs a tree layout of recipe components on the left-hand side of the screen, wherein the components displayed are components of the recipe step selected on the right hand side of the screen. The right hand side of the screen provides a tree layout of the recipe, including each of the plurality of models, or recipe steps. Information is given as to each of the plurality of recipe steps, such as move on function to allow for selection of a proper move on point during execution, and a loop, loop time, and step time function for the selected recipe step. The IDE layout illustrated in Figure 21 includes at least one watch window, wherein the watch window provides additional information regarding the recipe displayed.

In this exemplary operational embodiment, a new recipe may be created, such as by selection of a new recipe project from a selectable menu within the IDE. The user may be allowed to interactively select components for placement into the new recipe project. The selection of components may be allowable by a screen shot similar to that of Figure 22. Available components, such as those illustrated in Figure 22, may be viewed by expanding component categories, such as through the use of a treed menu. Components may then be selected or removed, such as through the use of single arrow buttons, double click, or the like. All components may be selected, or removed, simultaneously, or by category, for example, such as through the use of a selectable icon, or a double arrow button, for example.

Upon selection of components, selected components may be explored within the IDE, such as through the use of a component explorer window as illustrated in Figure 23. As illustrated, the component explorer allows for the viewing of properties and methods of each component selected for a recipe project, and these properties and methods may be expandable, such as through the use of a treed menu. Components may additionally be added, or information as to components may be viewed, through selection of components within the component explorer window, for example.

From within, or without, the component explorer, and/or the component selector and browser, a recipe may be edited. A recipe may be edited, for example,

through the use of a recipe editor, such as that illustrated in the exemplary screen shot of Figure 24. A step may be selected within the recipe editor, to which step a component is to be added. Upon selection of a given step, the components then involved in that step may be displayed, such as through the use of a treed menu. Further, selected aspects of that step and/or those components, may be displayed. Further, upon selection of a step, a step detail window may be available, as, for example, a pop-up window, or a selectable display window from, for example, a file menu or a hyperlink. Upon selection of a step detail window, such as that illustrated in exemplary screen shot of Figure 25, numerous aspects of the step may be illustrated. These aspects may include, for example, components included in the step, component commands included in the step, the number of the step, pre and post processing for the step, loop control for the step, and the ability to move, within the step detail window, between steps. It may also be allowable to enable and/or disable recipe steps, such as from within the recipe step detail. Further, multiple recipe steps may be block selected by methodologies apparent to those skilled in the art.

(d) The Claims

There are three independent claims. Claim 31 defines the model based controller, and support for this claim, while found *inter alia*, is found particularly at paragraphs 10 through 18 of the Specification, with each paragraph describing another element of the claimed system, and in Figs. 1 and 1A. Claim 47 is a method claim which recites the elements of the system of Claim 31 and then describes how the

method is carried out by interaction of those elements. Claim 48 is directed to a machine-readable program which will install the elements of the system and carry out the method of interaction of those elements.

37 C.F.R. § 41.37(c)(vi) Grounds of Rejection to be Reviewed on Appeal

Claims 31 to 40 and 45 to 49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent 6,263,255 to Tan and Vines. It is the Examiner's view that the reference shows each element of the claim, with the Examiner characterizing the language of the reference as somehow equivalent to the claims under examination.

In addition, Claims 41 to 44 stand rejected under 35 U.S.C. § 103(a) as being anticipated (sic) by United States Patent 6,263,255 to Tan and Vines in view of United States Patent 6,726,764 to Mutti and Voronknov. With respect to each of these rejected claims, the Examiner acknowledges that the Tan and Vines reference does not expressly show some elements, such as the use of a programmable logic controller in Claim 41, and relies on the disclosure of the Mutti and Voronknov reference for such missing element.

37 C.F.R. § 41.37(c)(vii) Argument

The Examiner's rejections are respectfully traversed in their entirety.

The present invention is a model-based control system for an industrial process, not merely a step in an industrial process. That each step in an industrial process is often viewed as a process itself may be confusing. But the process of each process step is often managed by a controller for the equipment employed in that process step. The present invention is a control program intended to work with many such controllers sequentially, managing the entire process, and through the individual controllers, manage each individual process step within the process, according to a set of models for the overall industrial process. Further, the model-based controller of the present invention is not merely intended to direct the machines in which each industrial process step is carried out, but it is also intended to direct the movement of material from one process step to another. Nothing in the prior art even suggests such a possibility.

United States Patent 6,263,255 to Tan and Vines is entitled Advanced Process Control For Semiconductor Manufacturing. The reference shows a framework designed to integrate commercially-available tools for the preparation of semiconductors. It is intended to enable vendors to create framework-compatible products with an open architecture. It is not a controller for an industrial process.

United States Patent 6,726,764 to Mutti and Voronkov is entitled Method For Controlling Growth Of A Silicon Crystal To Minimize Growth Rate And Diameter Deviations. The reference discloses a control method for use with a

crystal puller for growing a monocrystalline semiconductor crystal from a melt. It is a controller for a process step, not a controller for an industrial process.

There are many additional references which have been cited to the applicants in this and companion cases which are not yet before the Board. Each of these references deal with the control of a single process step, e.g., crystallization, rather than the overall control of an industrial process, such as a process where crystallization is but one process step. The present invention is broader in scope than any of these cited references, and attempts, successfully it should be noted, to coordinate the individual process steps through control of the individual, differently programmed, controllers.

The primary reference, itself, demonstrates the need for such control, in proposing an open architecture for process control which would permit framework-compatible machinery. The inability of the marketplace to overcome the dedication of manufacturers to proprietary control software has thus far resisted the call to an open architecture. The present invention has pursued another route: a model-based controller which can speak to the proprietary-language controller of each process component.

It would serve no purpose to argue each element that the Examiner has attempted to find in the primary reference. The rejection is an exercise in the semantics of the language employed, not the reality of the process controlled.

The primary reference remains a proposal for the control of one component in an industrial process and cannot rise to the level of control of an overall process. Certainly, a reference which does not propose to do what the present invention does cannot be said to anticipate the present invention.

That certain hierarchical structures of the control system of the present invention are modeled within the controller of an individual process step is not surprising, for it is with such a structure that a process is controlled. However, in the present claims, the individual controller for a given process element is provided with a control command from an external hierarchical structure, which is then carried out by the controlled component. And the component sends a control information element which is communicated back through the individual component controller to the external hierarchical structure of the model-based control system of the present invention, permitting that process step to be varied.

Likewise, the secondary reference, which also shows control of an individual process step, in this case crystallization, cannot add what is not shown in the primary reference, which is overarching external control of an industrial process.

It is submitted that the system of the present invention and the systems of the cited references...all of the cited references... are on an altogether different scale. United States Patent 6,263,255 to Tan and Vines is not a control for an

industrial process but, in the sense of the present invention, a control of a single process step within an industrial process. The reference shows process control for the manufacture of semiconductors, not the control of an industrial process for the step-wise production of semiconductors from raw material handling to finished product.

37 C.F.R. § 41.37(c)(viii) Claims Appendix

What is claimed is:

1 to 30(cancelled).

31(rejected). A model based controller comprising:

a development environment comprising at least one recipe for a process, each said process defined by a plurality of models, with each said model corresponding to at least one process step within said recipe;

an execution environment in operative communication with said development environment, and which execution environment comprises an execution platform capable of executing a recipe from said development environment;

a coordination environment in operative communication with said execution environment and, through said execution environment, with said development environment, and which coordination environment coordinates information flow from said execution environment, and through said execution environment, said development environment and said model;

a control level in operative communication with said coordination environment and, through said coordination environment, with said execution environment and said development environment, and in operative communication with at least one controller which is capable of controlling at least one component in the execution of at least one process step as defined by said model and communicated by said coordination environment;

and wherein, said controller sends a control command corresponding to a process step defined by said model communicated to said controller from said model within said development environment through said execution environment and through said coordination environment, to said component, and said component sends a component information element to said controller, which component information element is communicated through said coordination environment to said execution environment in which the performance of said process step may be varied in accordance with said component information element.

32(rejected). The model based controller of Claim 31, wherein the coordination of said model with said controller comprises a data flow between said model and said controller.

33(rejected). The model based controller of Claim 31, wherein said controller is adapted to control a plurality of said at least one components.

34(rejected). The model based controller of Claim 31, wherein said development environment further comprises a recipe generator communicatively coupled to said plurality of models, and comprising means to add or amend recipes.

35(rejected). The model based controller of Claim 31, further comprising at least one server being communicatively coupled to said coordination environment.

36(rejected). The model based controller of Claim 31, further comprising at least one server being communicatively coupled to said development environment and to said plurality of models.

37(rejected). The model based controller of Claim 31, wherein said coordination environment comprises a server.

38(rejected). The model based controller of Claim 31, wherein said execution environment further comprises computing resources for real-time control of an execution mode.

39(rejected). The model based controller of Claim 38, wherein said execution environment further comprises means to display the execution of said process.

40(rejected). The model based controller of Claim 31, wherein said at least one component comprises an operative component selected from the group consisting of a valve, a sensor, and a motor.

41(rejected). The model based controller of Claim 31, wherein said at least one controller comprises a programmable logic controller.

42(rejected). The model based controller of Claim 41, wherein said coordination environment further comprises code for enabling communication.

43(rejected). The model based controller of Claim 42, wherein said coordination environment further comprises code for modifying at least one recipe associated with said controller.

44(rejected). The model based controller of Claim 43, wherein said code is responsive to at least one of said models.

45(rejected). The model based controller of Claim 31, wherein said execution environment further comprises at least one interface adapted to present information indicative of one of said models and said at least one component to a user.

46(rejected). The model based controller of Claim 45, further comprising code for enabling said user to employ said interface to modify said model.

47(rejected). A method of controlling a process, using a model based controller comprising:

a development environment comprising at least one recipe for a process, each said process defined by a plurality of models, with each said model corresponding to at least one process step within said recipe;

an execution environment in operative communication with said development environment, and which execution environment comprises an execution platform capable of executing a recipe from said development environment;

a coordination environment in operative communication with said execution environment and, through said execution environment, with said

development environment, and which coordination environment coordinates information flow from said execution environment, and through said execution environment, said development environment and said model;

a control level in operative communication with said coordination environment and, through said coordination environment, with said execution environment and said development environment, and in operative communication with at least one controller which is capable of controlling at least one component in the execution of at least one process step as defined by said model and communicated by said coordination environment;

and wherein, said controller sends a control command corresponding to a process step defined by said model communicated to said controller from said model within said development environment through said execution environment and through said coordination environment, to said component, and said component sends a component information element to said controller, which component information element is communicated through said coordination environment to said execution environment in which the performance of said process step may be varied in accordance with said component information element;

which method comprises the steps of:

selecting a recipe associated with a process having at least one process step;

generating a model associated with each process step within said process;

issuing at least one control command associated with each said model, which control command is communicated by said at least one controller to said at least one component;

sending, by said at least one component, responsively to said at least one control command, of at least one component information element to said at least one controller; and

communicatively coordinating each said model with the at least one controller, wherein said at least one control command is generated in accordance with the at least one process step, and wherein the at least one process step is varied in accordance with said at least one component information element.

48(rejected). A computer-readable medium, carrying thereon at least one sequence of instructions for controlling a physical process, wherein the execution of said at least one sequence of instructions by at least one processor in

communication with at least one controller and at least one component creates a model based controller comprising:

a development environment comprising at least one recipe for a process, each said process defined by a plurality of models, with each said model corresponding to at least one process step within said recipe;

an execution environment in operative communication with said development environment, and which execution environment comprises an execution platform capable of executing a recipe from said development environment;

a coordination environment in operative communication with said execution environment and, through said execution environment, with said development environment, and which coordination environment coordinates information flow from said execution environment, and through said execution environment, said development environment and said model;

a control level in operative communication with said coordination environment and, through said coordination environment, with said execution environment and said development environment, and in operative communication with at least one controller which is capable of controlling at least

one component in the execution of at least one process step as defined by said model and communicated by said coordination environment;

and wherein, said controller sends a control command corresponding to a process step defined by said model communicated to said controller from said model within said development environment through said execution environment and through said coordination environment, to said component, and said component sends a component information element to said controller, which component information element is communicated through said coordination environment to said execution environment in which the performance of said process step may be varied in accordance with said component information element;

and permits the at least one processor to perform the steps of:

selecting a recipe associated with a process having at least one process step;

generating a model associated with each process step within said process;

issuing at least one control command associated with each said model, which control command is communicated by said at least one controller to said at least one component;

sending, by said at least one component, responsively to said at least one control command, of at least one component information element to said at least one controller; and

communicatively coordinating each said model with the at least one controller, wherein said at least one control command is generated in accordance with the at least one process step, and wherein the at least one process step is varied in accordance with said at least one component information element.

49(rejected). The model based controller of Claim 38, wherein said execution environment further comprises means to monitor and control said process.

37 C.F.R. § 41.37(c)(ix) Evidence Appendix

None.

37 C.F.R. § 41.37(c)(x) Related Proceedings Appendix

None.

Conclusion

Appealed claims 31 to 49 are submitted to be patentable. Reversal of the Examiner is, therefore, respectfully requested.

Respectfully submitted,

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